United States Court of Appeals

for the

District of Columbia Circuit

TRANSCRIPT OF RECORD

BRIEF FOR APPELLEE

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

256

No. 17146

CLARENCE V. SIMMS, APPELLANT

v.

UNITED STATES OF AMERICA, APPELLEE

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

DAVID C. ACHESON,
United States Attorney.
FRANK Q. NEBEKER,
TIM MURPHY,
MAX FRESCOLN,
Assistant United States Attorneys.

QUESTIONS PRESENTED

1. In a case where robbery was charged, and where the evidence showed that appellant had possession of the get-away car both shortly before and shortly after a large sum of money was taken from the delivery truck of a grocery store, and where witnesses saw appellant in the vicinity of the crime shortly before it occurred, and an eyewitness said the man who left the scene of the crime carrying a brown paper grocery bag, which was how the proceeds of the crime were packaged, looked like appellant to him, and another witness saw appellant in the alley behind appellant's house shortly after the crime, carrying a brown paper grocery bag, was there not sufficient evidence for the jury to convict appellant of grand larceny?

2. Where the instructions on reasonable doubt were proper, was it necessary for the judge to augment the charge with an "every reasonable hypothesis" instruction in the language of *Carter* v. *United States*, 102 U.S. App. D.C. 227, 252 F. 2d 608 (1957)?

679004—63——1

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United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17146

CLARENCE V. SIMMS, APPELLANT

v.

UNITED STATES OF AMERICA, APPELLEE

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BRIEF FOR APPELLEE

COUNTERSTATEMENT OF THE CASE

An indictment filed April 2, 1962, charged appellant, Clarence Simms, and Willis Campbell with robbery (J.A. 1). A jury convicted them of grand larceny (Tr. 1159). Judgment and Commitment filed June 15, 1962, sentenced appellant to three to ten years imprisonment (J.A. 4–5). Appellant filed his Notice of Appeal June 23, 1962 (J.A. 6).

On Monday, February 5, 1962, at 9:00 A.M., Clarence Simms, of 205 Ascot Place, N.E., had just driven his girlfriend, Mrs. Doris Mathis, to work in southwest Washington. He was driving the two-tone blue 1955 Oldsmobile, with District of Columbia license plates PV–273, which Mrs. Mathis had signed for, but which he operated. (Tr. 31, 37–39.) The car had mechanical trouble which caused it to stop and jolt and cut off sometimes when the accelerator was stepped on (Tr. 36, 39). Simms was wearing dark trousers, a leather cap with a "little bib" and a "bluish-gray" jacket (Tr. 38–39). Mrs. Mathis saw

Simms drive away after leaving her at work about 9 A.M. (Tr. 39).

It takes approximately 25 to 30 minutes to drive the distance between Mrs. Mathis's place of employment and Simms's house before 9 A.M., and probably less time after 9 A.M. (Tr. 36, 44–45). Simms's house is near the Buckingham Super Market (Tr. 323), in the 1300 block of Rhode Island Avenue, N.E., and part of the Brentwood shopping center in northeast Washington (Tr. 67, 244). At 9:30 A.M. Stanley Greenberg, the Secretary of Buckingham Super Markets, Inc. and Patricia Offshaney, a cashier at the store, saw Simms and another man in the store. (Tr. 67, 79–80, 122, 125). Near 10:00 A.M. (Tr. 211, 190–194, 78 113–117, 245, 803), Kenneth Jones, a driver for Buckingham Super Market was taking a deposit of $18,446.02, of which $12,000 was cash, to the Bank of Commerce in the 400 block of Rhode Island Avenue, N.E. (Tr. 116, 79, 195). It was his second trip to the bank to make a deposit (Tr. 114, 194). The money was in a brown paper bag, the kind used for bagging items in a grocery store (Tr. 115). Mr. Jones had put the money on the seat over by the door on the right-hand side of the Volkswagen truck he was driving (Tr. 199, 246). Mr. Jones testified that a blue and white car, which looked like the photographic exhibit of the 1955 Oldsmobile of Mrs. Mathis's, pulled close to him and cut in on him, forcing him to slow down and run into another car. He then opened the door of the truck to get out, and then a man came up and pointed a gun at his head. The man, without saying a word, tried to get in the truck, but slipped. As he slipped, Mr. Jones grabbed onto the gun which fell on the floor of the truck. There was a scuffle in which Mr. Jones got some injuries. He discovered the brown paper grocery bag containing the money was missing when a bystander, Aubrey Jasper, picked him up from the street and laid him across the seat of the Volkswagen truck. (Tr. 199–204). Mr. Jones could not identify the gunman as the defendant Simms. He testified "My eyes was on that gun, not his face (Tr. 219)." Mr. Jones testified "This fellow over here, Simms, he has a heavy mustache like the cat has but his wrist seems * * * rather small (Tr. 207)." He described the

gunman as colored, and testified that he had a heavy coat of a white substance on his face which smelled like Noxema, that he had on sunglasses, that his cap, which had earmuffs, was pulled over his face, and that he wore dark gloves. He did not see the person in the car. (Tr. 202.)

At the time of the incident, Aubrey Jasper, a fireman on his day off, was standing on the northwest corner of 10th Street and Rhode Island Avenue. He heard a noise and looked in its direction (Tr. 243, 246). In the 1000 block of Rhode Island Avenue he saw a man with a brown paper grocery bag in his hand walk away from the side of the Buckingham Market Volkswagen truck and get into a car which rolled up, a 1955 two-tone Oldsmobile, with the D.C. license plate PV–273 (Tr. 247, 253). As the Oldsmobile drove off, Mr. Jasper saw Mr. Jones fall out of the passenger side of the truck. Mr. Jasper knew something had gone wrong, so he memorized the identification of the car. He then picked Mr. Jones up and laid him on the front seat of the Volkswagen truck. (Tr. 247–248.) He went to a nearby house and phoned the police (Tr. 248, 253). At police headquarters he selected Simms's picture from a book of pictures (Tr. 292). The defendant Simms looked like the man he saw with the brown paper grocery bag. He testified, "His size, his height, and from what I saw of his profile, he looks like the man to me." The man was about six feet tall, brown skinned, and wore a cap with a visor and earflaps, a dark jacket, and grey pants. He did not see any unusual substance on his face. (Tr. 254–255.)

Nearby, that same morning, Ulysses Duncan of 207 Ascot Place N.E., was in front of his house at approximately 10 A.M. He was checking the battery of his car because the car would not start. (Tr. 321, 332.) Betwen five and ten minutes after ten, he heard a noise at the intersection of Second and Ascot Place. To him, "it sounded like a car either with no brakes or making a whining noise with wheels about to turn into the street or turning the corner." He looked up and saw the 1955 two-tone Oldsmobile with D.C. tags "273" stop and park one car behind his. (Tr. 333–338, 351.) The two men got out of the car and walked up to the porch of 205 Ascot

Place (Tr. 341–344). Mr. Duncan knew Simms by sight for he had seen him almost every evening for a year or more enter 205 Ascot Place, N.E. (Tr. 336–337). He did not see the faces of the men "point blank", but he saw their profiles (Tr. 385–386), and he recognized one of the men as the defendant Simms (Tr. 339, 387). The other person had a heavy build, wore a beige three-quarter length coat (Tr. 340), and resembled the defendant Campbell (Tr. 378, 381). Mr. Duncan said Campbell was of the same general description (Tr. 391).

In the alley between 205 Ascot Place, N.E. and 220 Adams Street, N.E., Ollie Dulaney was working on the brakes of his car. Between 9:30 A.M. and 10:15 A.M. he saw the 1955 Oldsmobile parked on Ascot Place when he drove his car around the block. Between 9:50 A.M. and 10:15 A.M. he was sitting on the floorboard working on his brakes, with his wife standing by the car door, when Campbell, wearing a brown coat, came to the car and twice asked Mr. Dulaney whether he fixed transmissions, and then walked away. He did not see any other person (Tr. 397–403).

Mrs. Dulaney at the same time saw both Campbell and Simms coming down the alley from Second to Third Street (Tr. 448–449). She testified it was about 10:07 A.M. or 10:08 A.M. when she saw them (Tr. 491). Mrs. Dulaney had seen Simms on previous occasions when he was entering 205 Ascot Place, N.E. (Tr. 445). Simms had a brown paper grocery bag in his arm (Tr. 455). Simms did not come over to the car when Campbell did to ask her husband whether he fixed transmissions, but went straight down the alley (Tr. 452).

Simms was arrested on a warrant that day (Tr. 524–525). The keys to the two-tone blue Oldsmobile were recovered from Simms and turned over to Doris Mathis, who was then able to drive the car away from the basement of Police Headquarters (Tr. 525–528, 66). Simms's apartment at 205 Ascot Place, N.E. was searched pursuant to a search warrant. Recovered items included sunglasses, trousers, a cap, and a leather jacket (Tr. 529–533). Aubrey Jasper identified the cap and the jacket as being like those of the man he saw at the scene of the crime carrying the brown paper grocery bag, and getting into the car with D.C. license plates PV–273 (Tr. 633–634).

STATUTES AND RULE INVOLVED

Title 22, District of Columbia Code, Section 2901 provides:

> Whoever by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting in fear, shall take from the person or immediate actual possession of another anything of value, is guilty of robbery, and any person convicted thereof shall suffer imprisonment for not less than six months nor more than fifteen years.

Title 22, District of Columbia Code, Section 2201 provides:

> Whoever shall feloniously take and carry away anything of value of the amount or value of $100 or upward, including things savoring of the realty, shall suffer imprisonment for not less than one nor more than ten years.

Rule 30, Federal Rules of Criminal Procedure provides:

> At the close of the evidence or at such earlier time during the trial as the court reasonably directs, any party may file written requests that the court instruct the jury on the law as set forth in the requests. At the same time copies of such requests shall be furnished to adverse parties. The court shall inform counsel of its proposed action upon the requests prior to their arguments to the jury, but the court shall instruct the jury after the arguments are completed. No party may assign as error any portion of the charge or omission therefrom unless he objects thereto before the jury retires to consider its verdict, stating distinctly the matter to which he objects and the grounds of his objection. Opportunity shall be given to make the objection out of the hearing of the jury.

SUMMARY OF ARGUMENT

There was ample evidence of appellant's guilt. Appellant had possession of the get-away car both shortly before and shortly after a bank deposit of $18,446.02, packaged in a brown paper grocery bag, was taken from the delivery truck of the

Buckingham Super Market. Witnesses saw appellant in the vicinity of the crime shortly before the crime. A witness saw a man leave the scene of the crime in the get-away car. The man the witness saw carried a brown paper grocery bag, and looked like appellant. He wore a jacket and cap like those later recovered by the police in appellant's house. Another witness saw appellant walking in the alley behind his house, shortly after he had been seen entering the front of the house and shortly after the time of the crime. He was carrying a brown paper grocery bag in the alley. When he was arrested, appellant had the keys to the get-away car. On such strong evidence of guilt the trial judge properly submitted the case to the jury.

The instructions on reasonable doubt were proper. Appellant's only objection to them was that they did not include an "every reasonable hypothesis" instruction in the language of *Carter* v. *United States*, 102 U.S. App. D.C. 227, 252 F. 2d 608 (1957). Where the instructions on reasonable doubt are proper, the requested instruction is unnecessary.

ARGUMENT

I. The judge properly denied appellant's motion for judgment of acquittal

The court properly denied appellant's motion for judgment of acquittal, for on such a motion the Government is entitled to every legitimate inference which may be derived from the evidence; and the jury verdict must be sustained if there is substantial evidence, taking the view most favorable to the Government to support it. *Curley* v. *United States*, 81 U.S. App. D.C. 389, 160 F. 2d 229 (1947); *Glasser* v. *United States*, 315 U.S. 60, 80 (1942); *Morton* v. *United States*, 79 U.S. App. D.C. 329, 147 F. 2d 28 (1945), cert. denied, 324 U.S. 875. The logical and legitimate inference from the evidence was that Simms committed the crime.

Simms was driving the 1955 two-tone blue Oldsmobile used as the get-away car at 9:00 A.M., on the day of the crime, and it would take approximately 25 minutes to drive from where he was at 9:00 A.M. to the Brentwood Shopping Center where the Buckingham Super Market is located. At 9:30 A.M. two

witnesses saw Simms and another man in the Buckingham Super Market. At approximately 10:00 A.M. the driver for the store had $18,446.02, of which $12,000 was cash, taken from the truck he was driving by a man he said had a heavy mustache like Simms's. A witness at the scene of the crime testified that Simms looked like the man whom he saw at approximately 10:00 A.M. leaving the side of the Buckingham Market truck, carrying a brown paper grocery bag, and whom he saw get into the 1955 two-tone blue Oldsmobile with D.C. license plates PV–273, which rolled up and then drove off. That car was the same one Simms was driving at 9:00 A.M. A few minutes after 10:00 A.M. a witness saw that same car come around the corner and stop in front of Simms's house at 205 Ascot Place, N.E. He saw Simms and another man get out of the car and enter Simms's house. A few minutes after that a witness saw Simms and a man identified as Campbell coming down the alley behind Simms's house, in a direction away from Simms's house.[1] Simms had a brown paper grocery bag under his arm. He remained in the alley when Campbell came over to ask the witness's husband whether he fixed automobile transmissions. A cap and jacket found in Simms's house were like those the witness at the scene of the crime saw on the man who got into the get-away car, indicating that Simms had changed his clothes inside before leaving from the back of his house. When he was arrested, Simms had the keys to the ignition of the Oldsmobile which had been used as the get-away car.

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[1] Appellant is mistaken when he says that Virginia Dulaney did not identify Simms as the man with Campbell in the alley (Br. 10). Mrs. Dulaney testified, without equivocation, that appellant was in the alley:

> Q. Do you see in the courtroom the person who was standing down in the alley that did not approach the car immediately in the alley?
> [Objection, and objection overruled. (Bracketed material supplied.)
>
> * * * * *
>
> Q. Do you see that person in the courtroom?
> A. That one——
> Q. The other person in the alley?
> A. Yes.
> Q. Would you place your hand on his shoulder?
> A. (Witness placed hand on Defendant Simms' shoulder.) This man.
>
> * * * * *

The jury had ample evidence from which it could conclude that Simms was the man who committed the crime. As the evidence would support a verdict of guilty, the decision was properly left to the jury. *Curley* v. *United States, supra.*

Q. Now, what if anything did you observe in the possession of either of these persons?

A. One man that was walking on down the alley had a package in his arm, a package.

Q. Can you describe this package?

A. It was a brown paper bag.

Q. Now, which of these two persons you placed your hand on carried the bag? Would you please——

A. The one with the tan jacket. [Indicating.]

Mr. MURPHY. Might the record reflect the witness indicated the Defendant Simms?

The COURT. Yes (Tr. 453–454). ~~(Bracketed material supplied.)~~

Appellant would have it appear further that all the identification evidence connecting him to the crime was inconclusive and that the witnesses speculated as to the identification. This is an inaccurate view of their testimony. Mr. Jones did not testify that Simms was not his assailant as appellant states (Br. 20); and Simms's approximate build was not the only thing Jones was able to state concerning the identity of his assailant (Br. 4), for he said Simms's mustache was similar to his assailant's (Tr. 207); and he testified that the assailant was a Negro (Tr. 202). On cross-examination he indicated that he remembered his assailant's wrists as larger than Simms's (Tr. 218).

Aubrey Jasper's testimony more than "sought to identify Simms as looking like the man * * * (Br. 6)" he had seen leave the scene of the crime; it actually did so identify Simms (Tr. 254).

Ulysses Duncan's testimony was no "feeble effort" to identify Simms (Br. 8). He testified: "At that particular time, from all appearances, and from the appearance that I have known, I did determine one to be Mr. Simms (Tr. 339)." He further testified that he saw the men's profiles (Tr. 385), and that on the steps he "recognized enough of one of the persons to say it was Mr. Simms (Tr. 387)."

Virginia Dulaney, who recognized appellant in the alley, did not see Simms and Campbell in the same line-up, though appellant implies that when he claims: "She had viewed a line-up and had not picked Simms out of the line-up, only Campbell (Br. 22)." She positively identified Simms in person at the police station:

Q. You saw some pictures when you went to Police Headquarters. You saw some pictures on February 5?

A. Yes.

Q. And it was after that you saw the Defendants?

The COURT. You mean in the line-up?

Appellant's effort to raise questions about the credibility of witnesses and to breathe new life into his theory of the defense, that another man and his co-defendant, Campbell, committed the crime, is futile. Those matters, moribund at trial, are dead now. It is for the jury to resolve credibility of witnesses and to derive the truth from oral testimony. *Wigfall* v. *United States,* 97 U.S. App. D.C. 252, 230 F. 2d 220 (1956); *Shelton* v. *United States,* 83 U.S. App. D.C. 257, 169 F. 2d 665, cert. denied, 335 U.S. 834 (1948). The jury, to whom the questions are reserved, resolved the issues against appellant.

II. The trial judge properly refused to give the additional instruction appellant requested

Appellant requested that the trial judge give an "every reasonable hypothesis" instruction. The court properly refused the additional instruction. *Hunt* v. *United States,* No. 17207, *decided* February 28, 1963. There was no objection to the instruction on burden of proof and reasonable doubt except insofar as the judge omitted the instruction here in question and another instruction on circumstantial evidence (Tr. 1140–1142, 1145), and appellant does not now claim there was error in them. Rule 30 of the Federal Rules of Criminal Procedure would preclude such a claim. *Villaroman* v. *United States,* 106 U. S. App. D.C. 275, 222 F. 2d 504 (1959). Moreover, the judge's instructions on burden of proof and reasonable doubt were proper. He instructed the jury that the burden of proof was on the Government to prove the defendant's guilt beyond

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By Mr. IDOMIR:

Q. Saw them in whatever shape or form.

A. I saw the line-up.

Q. After that?

A. Of one.

Q. That was Campbell only?

A. Campbell only.

Q. You never saw a line-up of Simms, just his pictures?

A. Simms was with several others in another——

Q. I understand, but you didn't see a line-up of him; you just saw his pictures?

A. I don't know whether it was a line-up or not of him, but I saw him. (Tr. 506–507.)

a reasonable doubt, and that each element of the offense must be proved beyond a reasonable doubt; and he explained reasonable doubt, and circumstantial evidence at length, in appropriate terms (Tr. 1128–1135). The judge told the jury:

> But the rule of law is the same, that whether the evidence be direct, circumstantial or a combination of the two, before a jury may find a defendant guilty in a criminal case, it must add up to proof beyond a reasonable doubt. (Tr. 1135.)

In *Hunt* v. *United States, supra,* this Court said:

> The ultimate test for the jury in a criminal case, however, is whether the defendant has been proved guilty beyond a reasonable doubt. This applies whether the evidence relied on for conviction is direct or circumstantial, or both. In explaining reasonable doubt in a circumstantial case, it would not be improper to give an "every reasonable hypothesis" instruction in the language of *Carter.*[2] But where the jury is properly instructed otherwise on the standard for reasonable doubt, a charge in the language of *Carter* is not required. *Holland* v. *United States* [348 U.S. 121 (1954)]. (Bracketed material supplied.)

CONCLUSION

Wherefore it is respectfully submitted that the judgment of the District Court should be affirmed.

DAVID C. ACHESON,
United States Attorney.
FRANK Q. NEBEKER,
TIM MURPHY,
MAX FRESCOLN,
Assistant United States Attorneys.

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[2] [*Carter* v. *United States,* 102 U.S. App. D.C. 227, 252 F. 2d 608 (1957).]

U.S. GOVERNMENT PRINTING OFFICE: 1963

JOINT APPENDIX

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17,146

CLARENCE V. SIMMS,

Appellant,

v.

UNITED STATES OF AMERICA,

Appellee.

No. 17,185

WILLIS CAMPBELL, JR.,

Appellant,

v.

UNITED STATES OF AMERICA,

Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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JOINT APPENDIX

[Filed April 2, 1962]

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Holding a Criminal Term

Grand Jury Sworn in on March 6, 1962.

THE UNITED STATES OF AMERICA	)	Criminal No. 284-62
	)	
v.	)	Grand Jury No. 208-62
	)	209-62
WILLIS CAMPBELL	)	
CLARENCE V. SIMMS	)	Violation: 22 D.C.C. 2901
	)	(Robbery)

The Grand Jury charges:

On or about February 5, 1962, within the District of Columbia, Willis Campbell and Clarence V. Simms, by force and violence and against resistance and by sudden and stealthy seizure and snatching and by putting in fear, stole and took from the person and from the immediate actual possession of Kenneth Jones, property of Buckingham Super Markets, Inc., a body corporate, of the value of about $12,000.00, consisting of $12,000.00 in money.

/s/ David C. Acheson
Attorney of the United States in
and for the District of Columbia

A TRUE BILL: * * *

[Filed April 6, 1962]

PLEA OF DEFENDANT

On this 6th day of April, 1962, the defendants (1) Willis Campbell, (2) Clarence V. Simms, appearing in proper person and by [their] attorneys (1) Patrick McDonald, (2) John Idomir, being arraigned in open Court upon the indictment, the substance of the charge being stated to him, each pleads not guilty thereto.

The motion of the defendant Willis Campbell for reduction of bond is heard and denied.

The defendants are remanded to the District Jail.

By direction of

MATTHEW F. McGUIRE
Presiding Judge
Criminal Court # Assignment

* * *

* * *

[Filed May 22, 1962]

MOTION FOR JUDGMENT OF ACQUITTAL NOTWITHSTANDING THE VERDICT AND IN THE ALERNATIVE A MOTION FOR A NEW TRIAL

[Willis Campbell, Jr.]

Comes now the defendant Willis Campbell, Jr., by his court-appointed attorney Patrick A. McDonald, and respectfully moves this Court to grant a judgment of acquittal of the charge against him notwithstanding the verdict. In the alternative it is moved that this Court grant a new trial on this charge.

Respectfully submitted,

/s/ Patrick A. McDonald
* * *
Counsel for Defendant

[Certificate of Service]

[Filed June 1, 1962]

DEFENDANT SIMMS' MOTION FOR JUDGMENT OR ACQUITTAL NOTWITHSTANDING THE VERDICT OR FOR A NEW TRIAL.

[Clarence V. Simms]

Comes now the defendant Simms, by and through his attorney, John Idomir, and moves this Honorable Court to grant a judgment of

acquittal notwithstanding the verdict, or in the alternative for a new trial, and for reason therefor, respectfully represents to the Court as follows:

1. The verdict is based upon insufficient evidence.

2. The verdict is contrary to the weight of the evidence.

3. The Court erred in denying a judgment of acquittal at the conclusion of the Government's case.

4. The Court erred in denying a judgment of acquittal at the conclusion of the entire case.

5. The Court erred in denying the defendant Simms' request for an instruction according to his theory of the case.

6. The charge of the Court on circumstantial evidence was incomplete and inadequate under the circumstances of this case, and it was error to deny the request for supplemental instructions on circumstantial evidence.

7. It was prejudicial error to admit into evidence testimony which was highly speculative and conjectural on "identification" of the defendant Simms.

8. It was error to deny defendant Simms' motion for a mistrial when Government counsel inquired within the hearing of the jury, as to whether or not defendant Simms' counsel intended to introduce into evidence the signed statement of the Government witness Virginia Delaney.

9. The denial of the several motions made by counsel for defendant Simms, including motions for mistrial, constituted prejudicial error.

/s/ John Idomir
Attorney for Defendant Simms

* * *

[Filed June 1, 1962]
[Clerk's Certificate - Denial of Each Defendant's Motion for Judgment of Acquittal n.o.v. and in the Alternative for a New Trial]

On this 1st day of June, 1962, came the attorney of the United States; the defendant, Willis Campbell, in proper person and by his attorney, Patrick McDonald, Esquire; the defendant, Clarence V. Simms, by his attorney, John Idomir, Esquire; whereupon each defendant's motion for judgment of acquittal notwithstanding the verdict and in the alternative a motion for a new trial, each coming on to be heard, after arguments of counsel, are each by the Court denied.

The defendant, Willis Campbell, is remanded to the District of Columbia Jail.

The defendant, Clarence V. Simms, was not present.

By direction of

JOSEPH C. McGARRAGHY
Presiding Judge
Criminal Court # 1

* * *

* * *

[Filed June 15, 1962]

JUDGMENT AND COMMITMENT

[Willis Campbell]

On this 15th day of June, 1962 came the attorney for the government and the defendant appeared in person and by counsel, Patrick McDonald, Esq.

IT IS ADJUDGED that the defendant has been convicted upon his plea of not guilty and a verdict of guilty of the offense of GRAND LARCENY and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of Three (3) years to Ten (10) years.

IT IS ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

/s/ JOSEPH C. McGARRAGHY
United States District Judge

[Filed June 15, 1962]

JUDGMENT AND COMMITMENT

[Clarence V. Simms]

On this 15th day of June, 1962 came the attorney for the government and the defendant appeared in person and by counsel, John Idomir, Esquire.

IT IS ADJUDGED that the defendant has been convicted upon his plea of not guilty and a verdict of guilty of the offense of GRAND LARCENY and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of Three (3) years to Ten (10) years.

IT IS ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

/s/ JOSEPH C. McGARRAGHY
United States District Judge

[Filed June 22, 1962]

NOTICE OF APPEAL

[Willis Campbell]

Name and address of appellant: Willis Campbell, Jr.

Name and address of appellant's attorney: Patrick A. McDonald
424- 5th Street, N.W.

Offense: GRAND LARCENY

Concise statement of judgment or order, giving date, and any sentence:
Petitioner submits that unstablize law was use to obtain conviction.
Sentence 3 - 10 years.

Name of institution where now confined, if not on bail: District Jail.

I, the above-named appellant, hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from the above stated judgment.

Dated: June 22, 1962

/s/ Willis Campbell, Jr.
Appellant

_____
Attorney for Appellant

[Filed June 23, 1962]

NOTICE OF APPEAL

[Clarence V. Simms]

Name and address of appellant: Clarence V. Simms

Name and address of appellant's attorney: John Idomir
308 Edmonds Bldg.
917 - 15th Street, N.W.

Offense: ROBBERY

Concise statement of judgment or order, giving date, and any sentence:
Found guilty by Jury of Grand Larceny on May 18, 1962. Sentenced to imprisonment for a period of 3 to 10 years on June 15, 1962.

Name of institution where now confined, if not on bail: D. C. Jail.

I, the above-named appellant, hereby appeal to the United States Court of Appeals for the District of Columbia Circuit from the above stated judgment.

Dated: June 23, 1962

_____
Appellant

/s/ John Idomir, by Martin R. Martino
Attorney for Appellant